

ESTTA Tracking number: **ESTTA234329**

Filing date: **09/03/2008**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Juno Manufacturing, LLC.
Granted to Date of previous extension	09/03/2008
Address	1300 S. Wolf Road Des Plaines, IL 60017 UNITED STATES
Party who filed Extension of time to oppose	Juno Manufacturing, Inc.
Relationship to party who filed Extension of time to oppose	Juno Manufacturing LLC is the successor by merger to Juno Manufacturing, Inc.

Attorney information	Jana Krupoff Sonnenschein Nath & Rosenthal LLP PO Box #061080 Wacker Drive Station, Sears Tower Chicago, IL 60606-1080 UNITED STATES Trademarks@sonnenschein.com, jkrupoff@sonnenschein.com, pmcbride@sonnenschein.com, sfifer@sonnenschein.com
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Applicant Information

Application No	77351291	Publication date	05/06/2008
Opposition Filing Date	09/03/2008	Opposition Period Ends	09/03/2008
Applicant	Juno Electric, Inc 2221 Park Place Court Los Banos, CA 93635 UNITED STATES		

Goods/Services Affected by Opposition

Class 037. All goods and services in the class are opposed, namely: Electrical Contractor Services

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	2341377	Application Date	06/29/1999
Registration Date	04/11/2000	Foreign Priority Date	NONE
Word Mark	JUNO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1976/11/00 First Use In Commerce: 1976/11/00 Electric Lighting Fixtures		

U.S. Registration No.	2336253	Application Date	06/29/1999
Registration Date	03/28/2000	Foreign Priority Date	NONE
Word Mark	JUNO		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 011. First use: First Use: 1976/11/00 First Use In Commerce: 1976/11/00 Electric lighting Fixtures		

Attachments	75739357#TMSN.gif (1 page)(bytes) 75739544#TMSN.gif (1 page)(bytes) bsl6c01_.pdf (5 pages)(36471 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

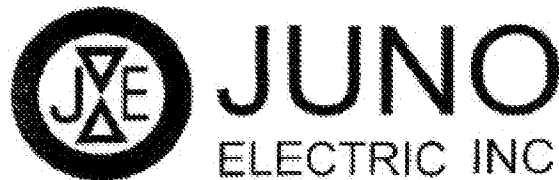
Signature	/jana krupoff/
Name	Jana Krupoff
Date	09/03/2008

THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of)	
Serial No. 77/351,291)	
)	
Juno Manufacturing, LLC.)	
)	
Opposer,)	
)	
v.)	Opposition No. _____
)	
Juno Electric, Inc.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Opposer Juno Manufacturing, LLC, an Illinois limited liability company (successor by merger to “Juno Manufacturing, Inc.”), having a principal place of business at 1300 S. Wolf Road, Des Plaines, Illinois, 60017 (“Juno” or “Opposer”) believes that it will be damaged by the



registration of the mark (“Applicant’s Mark”) on an intent-to use basis for electrical contractor services, as shown in Application Serial No. 77/351,291, filed by Applicant, Juno Electric, Inc. (“Applicant”), and hereby opposes registration of the same.

As grounds for the opposition, it is alleged that:

1. Applicant seeks to register Applicant’s Mark as a service mark for electrical contractor services in International Class 37 as evidenced by the publication in the *Official Gazette* on May 6, 2008. Opposer has requested and has been granted extensions of time within

which to file a Notice of Opposition, up to and including September 3, 2008. Accordingly, Opposer has timely filed this Notice of Opposition.

2. Juno is an industry leader in the design, manufacture and marketing of lighting fixtures for commercial, institutional, and residential use. Juno is the owner of two U.S. trademarks and registrations in the marks: (a) JUNO®, Reg. No. 2,341,377; and (b)



®, Reg. No. 2,336,253, among others, both for use in connection with electric lighting fixtures (collectively, the “Juno Marks”). Juno has been using the Juno Marks since at least as early as November, 1976, and the Juno Marks are distinctive and well-known in the electrical industry as a result of continuous, widespread use and extensive advertising and promotion.

3. Through Opposer’s extensive and continuous use of its Juno Marks, Opposer has achieved widespread public recognition in connection with the electrical industry such that the Juno Marks are uniquely associated with Opposer in such field of use. In addition, Opposer has developed, at great effort and expense, exceedingly valuable goodwill with respect to the Juno Marks.

4. Despite Opposer’s prior rights in the Juno Marks, Applicant filed an application to register Applicant’s Mark on an intent-to use basis for electrical contractor services, in International Class 37, which was assigned Application Serial No. 77/351,291. The application was published in the *Official Gazette* on May 6, 2008.

5. Applicant’s Mark and the services for which Applicant seeks registration are substantially similar to the Juno Marks and Opposer’s services in the same class (International

Class 37) and is therefor likely to be confused therewith and mistaken therefor. Therefore, members of the general public, upon seeing Applicant's use of the Applicant's Mark are likely to believe that such mark and the services offered thereunder originated from, or are connected with, or sponsored by, or associated with, or licensed by, or approved by, Opposer. Thus, the proposed registration and use by Applicant of Applicant's Mark in connection with Applicant's similar services for a substantially similar mark is likely to cause confusion, mistake or deception in light of Opposer's well-established prior rights.

6. If a registration were to be issued to Applicant for Applicant's Mark, the confusion with Opposer's Juno Marks would result in damage and injury to Opposer. Applicant's registration of Applicant's Mark would allow Applicant an unqualified right (a) to wrongfully appropriate Opposer's goodwill and reputation associated with the Juno Marks; (b) to benefit from the likely confusion among the purchaser's of Applicant's services that such services are related to or authorized by Opposer in some fashion; and (c) to harm Opposer's goodwill and reputation associated with the Juno Marks by allowing any fault with or objection to Applicant's services to reflect adversely upon Opposer.

7. Opposer hereby appoints Samuel Fifer and Sonnenschein Nath & Rosenthal LLP, P.O. Box #061080, Wacker Drive Station, Sears Tower, Chicago, IL 60606-1080, as its representative upon whom notice and process in proceedings affecting this proceeding may be served.

Respectfully submitted,

JUNO MANUFACTURING, LLC

Dated: September 3, 2008

By: /jana krupoff/
One of the Attorneys for Opposer

Samuel Fifer
Jana Krupoff
SONNENSCHN NATH & ROSENTHAL LLP

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Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-1080
(312) 876-8000

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that she caused a copy of the foregoing
NOTICE OF OPPOSITION to be served by U.S. Mail, postage prepaid, on September 3, 2008
upon:

John C. Landin
Juno Electric, Inc
2221 Park Place Ct.
Los Banos, CA 93635-5414

Attorney/Correspondent for Applicant

By: SONNENSCHN NATH &
ROSENTHAL LLP

/jana krupoff/
One of its Attorneys

Dated: September 3, 2008
Samuel Fifer
Jana Krupoff
SONNENSCHN NATH & ROSENTHAL LLP
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